

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|------------------------------|---|--------------|
| LUIS BERRIOS, | : | |
| Plaintiff, | : | |
| | : | CIVIL ACTION |
| v. | : | NO. 12-7245 |
| | : | |
| CITY OF PHILADELPHIA et al., | : | |
| Defendants. | : | |

ORDER

AND NOW, this 31st day of March, 2015, upon consideration of Defendants' Motion for Partial Summary Judgment, (Dkt No. 23), and Plaintiff's Response, (Dkt No. 24), it is hereby ORDERED that the Motion is GRANTED IN PART AND DENIED IN PART:

1. The Court GRANTS summary judgment as to Counts II, Count III only as to Defendant Gentile, Count IV, Count V, Count VI, and Count VII;
2. The Court DENIES summary judgment as to Count III only as to Defendants Tavaréz and Newbert.
3. Thus, Plaintiff's claims under Count I, Count III as to Defendants Tavaréz and Newbert, and Count VIII remain.

FURTHER, this case is appropriately RIPE for trial. The following schedule is hereby ORDERED:

4. On or before **April 13, 2015**, the parties shall file with the Court the following in preparation for trial:
 - a. PRETRIAL MEMORANDUM: Each party shall file a pretrial memorandum setting forth:
 - i. a brief statement of the nature of the case to be presented and the issues to be addressed;
 - ii. a list of all witnesses to appear at trial¹ with a brief statement of the nature of each witness's anticipated testimony (witnesses not listed may not be called in a party's case in chief);

¹In the event that any witness shall be in custody at the time of trial, the party seeking to call such witness shall provide the Court with such witness's current place of confinement and institutional numbers, and

- iii. a list of all exhibits to be offered at trial (pre-numbered and pre-exchanged among all counsel);
 - iv. a list of stipulations between the parties, and a list of disputed and undisputed facts (counsel shall make a conscientious effort to narrow the factual areas of dispute); and
 - v. an estimation as to the time for presentation of each party's case.
- b. POINTS FOR CHARGE: After meeting and conferring, the parties shall *jointly submit* proposed points for charge upon which the parties have agreed, and shall individually submit any disputed points for charge accompanied by a reference to the single best authority supporting the disputed point.²
- c. JURY VOIR DIRE AND VERDICT SHEET: After meeting and conferring, the parties shall *jointly submit* (i) proposed jury voir dire questions upon which the parties have agreed (each party shall individually submit proposed jury voir dire questions upon which the parties cannot agree); and (ii) a proposed jury verdict sheet if the parties have agreed upon one (the parties shall individually submit proposed jury verdict sheets if one has not been agreed upon).
5. Pre-trial motions shall be filed by **April 13, 2015**;
6. Responses to pre-trial motions shall be filed by **April 27, 2015**;
7. Final pre-trial conference shall be **May 5, 2015 at 3:00PM EST**;
8. Jury selection shall commence on **May 19, 2015 at 9:30AM EST**.

BY THE COURT:

/s/ C. Darnell Jones, II

C. Darnell Jones, II J.

such party shall be responsible for preparing and submitting a writ to secure the presence of such witness on the trial date.

²The parties may file supplemental proposed jury instructions after all the evidence has been presented at trial.